

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5237 of 2001
with
SPECIAL CIVIL APPLICATION NO 1754 OF 2002

with

CIVIL APPLICATION NO 1142 OF 2002 IN
SPECIAL CIVIL APPLICATION NO 5237 OF 2001.

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION

Versus

VISHNUBHAI MAGANBHAI PRAJAPATI

Appearance:

1. Special Civil Application No. 5237 of 2001
MR YF MEHTA for Petitioner No. 1
MR AV PRAJAPATI for Respondent No. 1
RULE NOT RECD BACK for Respondents No. 2-57
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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 08/03/2002

ORAL JUDGEMENT

Special civil application no. 5237 of 2001 has been filed by the GIDC whereas the special civil application no. 1754 of 2002 has been filed by one Vishnubhai M. Prajapati who is a contractor challenging the order passed by the Payment of Wages Authority in Application No. 597 of 1991 dated 24th January, 2001 on the grounds raised in both the petitions. It is also averred that only when the notice as to recovery by the Mamlatdar alien recovery, Ahmedabad was issued, that it came to the knowledge of the GIDC as to the passing of the said order. Since the petitioner has not avail of the statutory remedy of the appeal before the appropriate forum, it would be just and proper to direct the petitioner to have recourse there.

The petitioner, as stated by Mr. Y.F. Mehta, learned advocate for the GIDC, will file such appeal within two weeks from the date of receipt of copy of this order, alongwith an application for condonation of delay on the facts set out in this petition and will pray for stay of the order till the appeal is heard before such forum. Mr. Mehta has further requested to direct the appellate authority for expediting the hearing of such appeal and stay till then.

Considering his submissions, it is accordingly directed that if such appeal is filed by the GIDC against the order impugned in this petition, same shall be decided preferably within six months from the date of its filing and till the application for condonation of delay and application for stay is decided, the Mamlatdar Alien Recovery, Ahmedabad shall not proceed with the recovery proceedings against the GIDC. The petitions are accordingly disposed of. Rule is made absolute in terms indicated hereinabove with no order as to costs.

In view of the above order passed in the aforesaid special civil applications, civil application no. 1142 of 2002 shall not survive and same is, therefore, disposed of accordingly with no order as to costs.

8.3.2002. (H.K. Rathod, J.)

Vyas